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Security Council Committee established pursuant to resolution 1737 (2006)

Note verbale dated 18 April 2008 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

The Permanent Mission of Austria to the United Nations presents its compliments to the Chairman of the Security Council Committee established pursuant to resolution 1737 (2006) and, with reference to his note of 27 March 2008, has the honour to transmit the annexed report pursuant to paragraph 13 of resolution 1803 (2008) on the steps taken by the Government of Austria with a view to implementing the relevant provisions of the above-mentioned resolution.

08-31255 (E) 240408

Annex to the note verbale dated 18 April 2008 from the Permanent Mission of Austria to the United Nations addressed to the Chairman of the Committee

Security Council resolution 1803 (2008): implementation by Austria

16 April 2008

Austria as Member State of the European Union (EU) implements the restrictive measures against Iran imposed by Security Council Resolution 1803 (2008) by taking the following measures:

Firstly through the following legal acts of the EU and/or the European Community (EC):

- Council Common Position 2007/246/CFSP of 23 April 2007 amending Common Position 2007/140/CFSP of 27 February 2007 concerning restrictive measures against Iran
- Council Regulation No. 423/2007 of 19 April 2007 concerning restrictive measures against Iran
- Council Regulation, further amending Council Regulation (EC) No 618/2007 of 5 June 2007 amending Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran
- Council Regulation (EC) No. 1334/2000 of 22 June 2000 setting up a Community regime for the control of exports of dual-use items and technology
- Commission Regulation (EC) No 116/2008 of 28 January 2008 amending Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran by replacing by the text in its Annex I and III to Regulation (EC) No 423/2007
- Commission Regulation (EC) No 219/2008 of 11 March 2008 amending Council Regulation (EC) No 423/2007 of 19 April 2007 concerning restrictive measures against Iran by replacing by the text in its Annex IV to Regulation (EC) No 423/2007
- a Council Common Position, further amending Common Position 2007/140/CFSP, to be adopted without delay.
- a Council Regulation, further amending Council Regulation No. 423/, to be adopted thereafter.

Secondly, the competent Austrian authorities apply the following Austrian legislation in implementing the restrictive measures against Iran imposed by Security Council Resolution 1747 (2007):

- With regard to the obligation contained in paragraphs 3 and 5 of Security Council Resolution 1803 (2008) the Aliens Police Law (Federal Law Gazette I No. 157/2005 as amended) and the Law on Residence (Federal Law Gazette I No. 100/2005 as amended) empower the competent Austrian authorities to impose the appropriate travel or entry restrictions as well as to notify the Committee in accordance with this paragraph.

- With regard to the obligation contained in paragraph 7 of Security Council Resolution 1803 (2008) the Austrian Exchange Control Act (Federal Law Gazette I No. 123/2003) stipulates that non-compliance with regulations of the European Community or relevant Austrian Federal Government regulations concerning the freezing of funds is a criminal offence punishable with up to one year of imprisonment.

- With regard to the obligations contained in paragraphs 8 and 11 of Security Council Resolution 1803 (2008) the legal basis for their implementation is a national authorization procedure established by the above mentioned Council Regulations, the Foreign Trade Act (FTA, Federal Law Gazette I No 50/2005 as amended) and the Foreign Trade Regulation (FTAR, Federal Law Gazette II No. 121/2006) as well as the War Materials Act (WMA, Federal Law Gazette I No. 540/1977 as amended). Non-compliance with the FTA or the WMA constitutes a criminal offence punishable with up to five years of imprisonment or payment of a fine of up to 360 daily rates.

- With regard to the appeal contained in OP 9 the Austrian cover policy and agreements between the competent Austrian authorities and Austria's official export credit agency ensure a very vigilant assessment of any new commitment for public provided financial support for trade with Iran including the granting of export credits, guarantees and insurance.

- With regard to the appeal contained in OP 10 the Ministry of Finance issued a statement calling on the Austrian Federal Economic Chamber and national financial institutions to exercise vigilance concerning business activities with Iranian banks. Further, the vigilant scrutiny for new export credits, guarantees and insurance mentioned above regarding the implementation of OP 9 also includes an assessment of the banks involved in such transactions in particular Bank Melli and Bank Saderat and their branches and subsidiaries abroad.

- With regard to the measures referred to in OP 17, their implementation is ensured by the general provisions set out in the provisions of the Austrian civil law.